



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,692	04/14/2004	Michael A. Lucas	740270-2915	5358
22204	7590	04/17/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			JACYNA, J CASIMER	
		ART UNIT	PAPER NUMBER	3751

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

18

Office Action Summary	Application No.	Applicant(s)	
	10/823,692	LUCAS ET AL.	
	Examiner	Art Unit	
	J. Casimer Jacyna	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) 8, 13, 14, 19 and 20 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 9-12 and 15-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 04142004.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. Applicant's election without traverse of group I, figures 1 in the reply filed on 3/14/2006 is acknowledged.
2. Claims 8, 13, 14, 19 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/14/2006.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Haeberer et al. (6,796,543). Haeberer discloses a fuel valve including a housing 1, a valve device 25 that includes a ball valve and guide as shown in figures 2 and 5, a valve plunger 27, a solenoid actuator 29, an armature overtravel means as disclosed on col. 4, lines 44-67, an armature stop 26, a biasing spring 35, a retainer as is the unnumbered flange immediately above 26, and a solenoid spacer 70.
5. Claims 1-4 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Grytz (6,688,579). Grytz discloses a fuel valve including a housing 7, a valve device 25, a valve plunger 27, a solenoid actuator 29, an armature overtravel means as disclosed

Art Unit: 3751

on col. 4, line 58 to col. 5, line 54, an armature stop as disclosed on col. 5, lines 4-416, a biasing spring 35, and a solenoid spacer 50.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson et al. (6,056,264). Benson discloses a fuel valve including a housing 10, a valve device as is the flat end face of 14 that seals against 48, a valve plunger 14, a solenoid actuator 32, an armature overtravel means 18, an armature stop 66, and a biasing spring 60.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7, 9-12, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. (6,056,264) in view of Haeberer et al. (2003/0062492). Benson discloses a fuel valve substantially as claimed including a retainer 70 but does not disclose a ball valve and valve guide. However, Haeberer teaches another fuel valve having a ball valve 10 with a valve guide 9 for the purpose of reducing wear in the valve seat. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the valve of Benson with a ball valve and guide as, for example, taught by Haeberer in order to reduce wear in the valve seat.

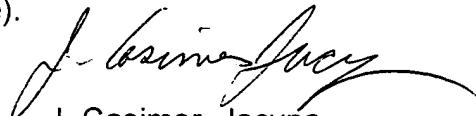
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rapp teaches another fuel valve.

Art Unit: 3751

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor; Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ